



PTO/SB/21 (08-03)  
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/040,926
	Filing Date	December 28, 2001
	First Named Inventor	Mitchell W. Mutz
	Art Unit	1623
	Examiner Name	R. Gitomer
Total Number of Pages in This Submission	Attorney Docket Number	7610-0022.22

ENCLOSURES (Check all that apply)		
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual name	Dianne E. Reed, Reg. No. 31,292	
Signature	<i>Dianne E. Reed</i>	
Date	10/24/03	

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Typed or printed name	Mary O'Malley
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Date	10/24/03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Atty Dkt No. 7610-0022.22

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Mitchell W. MUTZ et al.

Confirmation No.: 5529

Serial No.: 10/040,926

Group Art Unit: 1623

Filing Date: December 28, 2001

Examiner: R. GITOMER

Title: FOCUSED ACOUSTIC EJECTION CELL SORTING SYSTEM AND METHOD

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT AND  
CERTIFICATION UNDER 37 CFR § 1.97(e)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Second Supplemental Information Disclosure Statement submitted for the Examiner's consideration. Applicants respectfully request that the Examiner review and make of record the references identified below.

The references listed below were cited in an International (PCT) Search Report dated September 10, 2003, for the PCT application corresponding to the above-identified U.S. patent application. A copy of the Search Report, including an indication of the purported relevance of the cited references, is enclosed. Copies of the references are also submitted herewith.

A PTO-1449 form listing the references accompanies this paper. Applicants would appreciate the Examiner's initialing and returning the form to indicate that the references have been reviewed and made of record. The references are as follows:

FOREIGN PATENT DOCUMENTS		
Document No.	Publication Date	Country
EP 0801305 A1	10/15/97	Europe
EP 0845357 A2	6/3/98	Europe
WO 92/18608	10/29/92	PCT
WO 94/27142	11/24/94	PCT
WO 97/45730	12/4/97	PCT
WO 02/24324	3/28/02	PCT

NONPATENT DOCUMENT

O'Donnell-Maloney et al. (1996), "Microfabrication and Array Technologies for DNA Sequencing and Diagnostics," *Genetic Analysis Biomolecular Engineering* 13:151-157.

This Second Supplemental Information Disclosure Statement is not intended as a representation that additional information material to the examination of this application does not exist or that any of the above references constitutes prior art to the present application within the meaning of 35 USC § 102.

As this Second Supplemental Information Disclosure Statement is being filed within three months of the date of the International Search Report (i.e, September 10, 2003), no fee is required at this time. If, for any reason, a fee is found to be necessary, our Deposit Account No. 18-0580 may be charged therefor.

The undersigned hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement (37 CFR § 1.97(e)(1)).

Respectfully submitted,

By:



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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	10/040,926
Filing Date	December 28, 2001
First Named Inventor	Mitchell W. MUTZ et al.
Art Unit	1623
Examiner Name	R. GITOMER
Attorney Docket Number	7610-0022.22

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.	Foreign Patent Document No.	Publication Date	Country	Class	Subclass	T
	BC	EP 0801305 A1	10/15/97	Europe			
	BD	EP 0845357 A2	6/3/98	Europe			
	BE	WO 92/18608	10/29/92	PCT			
	BF	WO 94/27142	11/24/94	PCT			
	BG	WO 97/45730	12/4/97	PCT			
	BH	WO 02/24324	3/28/02	PCT			

OTHER DOCUMENT — NONPATENT LITERATURE DOCUMENT			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), Title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
	BI	O'Donnell-Maloney et al. (1996), "Microfabrication and Array Technologies for DNA Sequencing and Diagnostics," <i>Genetic Analysis Biomolecular Engineering</i> 13:151-157.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.